

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Reta R. Feldman

(b) County of Residence of First Listed Plaintiff **Bucks County**

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

David B. Sherman, Esquire

1628 JFK Blvd., Eight Penn Center, Suite 2200, Philadelphia, PA 19103
215-665-1100**DEFENDANTS**

GEICO Insurance Company

County of Residence of First Listed Defendant **Montgomery County**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Scott J. Tredwell, Esquire

1600 JFK Blvd., Four Penn Center, Suite 800, Philadelphia, PA 19103
215-972-0161**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|------------------------------------------|---------------------------------------|----------------------------|---------------------------------------------------------------|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen, or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1441(a)

Brief description of cause:

Claim for underinsured motorist coverage following denial of benefits.

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4-13-18

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

RETA R. FELDMAN

CIVIL ACTION

v.

GEICO INSURANCE COMPANY

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

April 13, 2018
Date

Scott J. Tredwell, Esquire
Attorney-at-law

Defendant, GEICO Insurance Company
Attorney for

215-972-0161

215-972-5580

stredwell@mccormickpriore.com

Telephone

FAX Number

E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Reta R. Feldman, 3024 Alden Court, Bensalem, PA 19020

Address of Defendant: GEICO Insurance Company, 5260 Western Avenue, Chevy Chase, MD 20815

Place of Accident, Incident or Transaction: Insurance contract issued in Bensalem, Pennsylvania
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☒ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☒ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____


Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: April 13, 2018


Attorney-at-Law

57364
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RETA R. FELDMAN	:	CASE No.
	:	
v.	:	NOTICE OF REMOVAL OF ACTION
	:	UNDER 28 U.S.C. § 1332(a)(1)
GEICO INSURANCE COMPANY	:	

NOTICE OF REMOVAL TO THE UNITED STATES DISTRICT COURT

To: The Honorable Judges of the United States District Court for the Eastern District of Pennsylvania:

Defendant, Government Employees Insurance Company (incorrectly identified as “GEICO Insurance Company”) (hereinafter “GEICO”), hereby files a Notice of Removal of this case from the Court of Common Pleas of Philadelphia, Pennsylvania, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania. This Notice of Removal is filed pursuant to 28 U.S.C. §§1332, 1441(a) and 1446. GEICO, in support thereof, avers as follows:

1. On December 11, 2017, plaintiff, Reta R. Feldman, commenced the instant action through the filing of a Writ of Summons against GEICO in the Court of Court of Common Pleas of Philadelphia County, Pennsylvania, docketed as Number 171201135. *A true and correct copy of plaintiff’s Writ of Summons is attached hereto as Exhibit “A.”*

2. On March 19, 2018, plaintiff filed her Complaint, setting forth the damages sought. *A true and correct copy of plaintiff’s Complaint is attached hereto as Exhibit “B.”*

3. Plaintiff’s Complaint was served on GEICO on March 19, 2018.

4. This case involves plaintiff’s claim for underinsured motorist coverage arising out of a motor vehicle accident that occurred on or about January 2, 2013. *See Exhibit “B.”*

5. Plaintiff is making a claim against GEICO for breach of contract damages.

6. Plaintiff is also making a claim against GEICO for bad faith and punitive damages.

This Notice Is Timely Filed In Accordance With § 1446

7. This Notice of Removal is timely because it is filed within thirty (30) days of the date upon which GEICO received the initial pleading from which it could be ascertained the plaintiff's case was removable, or on March 19, 2018. 28 U.S.C. §1446(b).

8. Further, the Notice of Removal is being filed within one year of the commencement of the action by plaintiff on December 11, 2017. 28 U.S.C. §1446(c).

Diversity of Citizenship

9. At all times relevant, plaintiff is a citizen of the Commonwealth of Pennsylvania, residing at 3024 Alden Court, Bensalem, PA 19020. *See* Exhibit "B" ¶ 1.

10. Plaintiff is therefore a citizen of the Commonwealth of Pennsylvania.

11. Pursuant to 28 U.S.C.S. § 1332(c), "for the purposes of a diversity action, a corporation shall be deemed a citizen of any state in which it is incorporated and also of the state in which it has its principal place of business . . . [i]t is well settled that a corporation can have only one principal place of business." *Viola v. Provident Life & Accident Ins. Co.*, 2000 WL 1022894, at *2 (E.D. Pa. 2000) (citations omitted).

12. More specifically, the Supreme Court of the United States has held:

"[P]rincipal place of business" is best read as referring to the place where a corporation's officers direct, control, and coordinate the corporation's activities. It is the place that Courts of Appeals have called the corporation's "nerve center." And in practice it should normally be the place where the corporation maintains its headquarters -- provided that the headquarters is the actual center of direction, control, and coordination, i.e., the "nerve center," and not simply an office where the corporation holds its board meetings (for example, attended by directors and officers who have traveled there for the occasion).

Hertz Corp. v. Friend, 559 U.S. 77, 92-93 (2010).

13. GEICO is organized under the laws of the State of Maryland with its principal place of business in Maryland, located at 5260 Western Avenue, Chevy Chase, Maryland 20815.

14. GEICO is therefore a citizen of the State of Maryland.

15. Proper diversity jurisdiction exists in the instant matter as the claim involves a “controversy between citizens of different states, all of whom on one side of the controversy are citizens of different states from all parties on the other side.” *City of Indianapolis v. Chase Nat’l Bank*, 314 U.S. 63, 69 (1941).

16. Pursuant to the above analysis, complete diversity exists between the plaintiff, citizen of the Commonwealth of Pennsylvania, and GEICO, a citizen of the State of Maryland.

Amount in Controversy

17. Plaintiff’s Complaint demands on behalf of plaintiff in excess of \$50,000 from GEICO. *See* Exhibit “B.”

18. Plaintiff’s UIM coverage pursuant to her GEICO policy provides \$50,000 in applicable UIM coverage. *See* Exhibit “B” ¶ 4.

19. Additionally, plaintiff is seeking recovery of bad faith and punitive damages. *See* Exhibit “B” ¶ 19.

20. A value of this case, as appearing from the allegations complained in the Complaint with respect to the alleged contract breach and alleged bad faith claim, exceeds the statutory removal requirement of \$75,000.00.

21. The present lawsuit’s removal from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(a) is appropriate, as complete diversity exists between plaintiff and defendant, and the amount in controversy exceeds the jurisdictional amount.

22. True and correct copies of all process, pleadings and orders which have been received by GEICO are attached hereto and filed herewith.

23. GEICO expressly reserves the right to raise all defenses and objections in this action after it is removed to this Honorable Court.

24. A true and correct copy of this Notice of Removal is being simultaneously filed with the Prothonotary of the Court of Common Pleas of Philadelphia County, Pennsylvania, as provided by 28 U.S.C. § 1446(d).

25. Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446(d).

WHEREFORE, Notice is hereby given that this action is removed from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

By: 

Scott J. Tredwell, Esquire (PA ID #57364)
Christopher M. Burruezo, Esquire (PA ID #
321893)

McCormick & Priore, P.C.

Four Penn Center, Suite 800

1600 John F. Kennedy Blvd.

Philadelphia, PA 19103

(T) 215-972-0161 / (F) 215-972-5580

stredwell@mccormickpriore.com

cburruezo@mccormickpriore.com

Attorneys for Defendant,

Government Employees Insurance Company

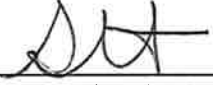
Date: April 13, 2018

CERTIFICATE OF SERVICE

I, Christopher M. Burruezo, Esquire, attorney for defendant, Government Employees Insurance Company (incorrectly identified as "GEICO Insurance Company"), in the within action hereby certify that I am duly authorized to make this certification; and that on this date, I did cause a true and correct copy of the foregoing *Notice of Removal* to be forwarded by first-class United States mail to counsel addressed as follows:

David B. Sherman, Esquire
Gary I. Spivack, Esquire
1628 John F. Kennedy Blvd.
8 Penn Center, Suite 2200
Philadelphia, PA 19103
Attorney for Plaintiff

By: _____


Scott J. Tredwell, Esquire (PA ID #57364)
Christopher M. Burruezo, Esquire (PA ID #
321893)

McCormick & Priore, P.C.

Four Penn Center, Suite 800

1600 John F. Kennedy Blvd.

Philadelphia, PA 19103

(T) 215-972-0161 / (F) 215-972-5580

stredwell@mccormickpriore.com

cburruezo@mccormickpriore.com

Attorneys for Defendant,

Government Employees Insurance Company

Date: April 13, 2018

EXHIBIT “A”

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 09/13/2018

You must still comply with the notice below. USTED TODAVIA DEBE CUJPLIR CON EL AVISO PARA DEFENDERSE.

This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.

There is no right to a trial de novo on appeal from a decision entered by a Judge.

SOLOMON & SHERMAN & GABAY

DAVID B. SHERMAN

Identification No. 36437

GARY I. SPIVACK

Identification No. 30890

8 Penn Center

1628 J.F.K. Boulevard

Suite 2200

Philadelphia, PA 19103

(215)665-1100

Filed and Attested by the
Office of Judicial Records
11 DEC 2017 08:42 am
MILLER

Attorney for Plaintiff

RETA FELDMAN

3024 Alden Court

Bensalem, PA 19020

Plaintiff

v.

GEICO INSURANCE COMPANY

One Geico Boulevard

Fredericksburg, VA 22412

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

DECEMBER TERM, 2017

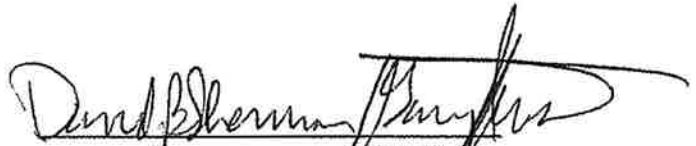
NO.

PRAECIPE TO ISSUE SUMMONS

TO THE PROTHONOTARY:

Kindly issue the Summons in the above-entitled matter as against Defendants

Dated: 12/6/17


DAVID B. SHERMAN, ESQUIRE
GARY I. SPIVACK, ESQUIRE
Attorney for Plaintiff

Summons
Citation

Commonwealth of Pennsylvania
COUNTY OF PHILADELPHIA

RETA FELDMAN

Plaintiff

vs.

GEICO INSURANCE COMPANY

Defendant

COURT OF COMMON PLEAS

DECEMBER Term, 20¹⁷

No. _____

To¹

GEICO INSURANCE COMPANY

ONE GEICO BOULEVARD

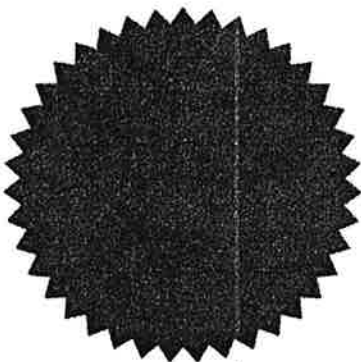
FREDERICKSBURG, VA 22412

Writ of Summons

You are notified that the Plaintiff²
Usted esta avisado que el demandante

RETA FELDMAN

Has (have) commenced an action against you.
Ha (han) iniciado una accion en contra suya.



ERIC FEDER
Director, Office of Judicial Records

By: _____

Date: _____



¹ Name(s) of Defendant(s)

² Name(s) of Plaintiff(s)

Court of Common Pleas

DECEMBER Term, 20 2017

No. _____

RETA FELDMAN

Plaintiff

vs.

GEICO INSURANCE COMPANY

Defendant

SUMMONS

EXHIBIT “B”

SOLOMON & SHERMAN & GABAY
DAVID B. SHERMAN
Identification No. 36437
GARY I. SPIVACK
Identification No. 30890
8 Penn Center
1628 J.F.K. Boulevard
Suite 2200
Philadelphia, PA 19103
(215)665-1100



Attorney for Plaintiff

RETA FELDMAN	:	COURT OF COMMON PLEAS
3024 Alden Court	:	PHILADELPHIA COUNTY
Bensalem, PA 19020	:	
Plaintiff	:	DECEMBER TERM, 2017
v.	:	
GEICO INSURANCE COMPANY	:	
One Geico Boulevard	:	
Fredericksburg, VA 22412	:	NO. 1135

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND
INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-238-1701**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASESORIA LEGAL.

**ASOCIACION DE LICENCIADOS DE
FILADELPHIA
SERVICIO DE REFERENCIA E
INFORMACION LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Telefono: 215-238-1701**

COMPLAINT – CIVIL ACTION
2V – Motor Vehicle Accident - UIM

1. Plaintiff, Reta Feldman, is an adult individual and at all times pertinent hereto resided at the above-captioned address.

2. Defendant, Geico Insurance Company (hereinafter “Geico”) is an insurance company authorized to issue insurance policies in the Commonwealth of Pennsylvania doing business at the above-listed address.

3. On or about January 2, 2013, Plaintiff, Reta Feldman was severely injured as a result of a motor vehicle accident involving Meghan Corcoran who was insured by USAA with \$100,000.00 Liability Policy Limits.

4. Plaintiff was the owner of a vehicle insured by “Geico” providing UIM Coverage of \$50,000.00/\$100,000.00 Limits with Stacking.

5. At all times pertinent hereto, Plaintiff, Reta Feldman was and is an “insured” via the underinsured motorist provisions of her policy with defendant, Geico Insurance Company under Claim No. 027204484.

6. With Geico’s approval and consent, Plaintiff settled the third party claim for \$95,000.00, on or about January 30, 2016.

7. The Geico policy provides that Plaintiff institute suit if in fact UIM benefits are either denied or not agreed upon. In this case the parties have failed to reach an agreement on the value of the case.

8. Defendant, Geico has failed to engage in settlement negotiations and/or offer a reasonable sum to adequately compensate Reta Feldman for very serious injuries.

9. Plaintiff forwarded to the defendant proof of the injuries, medical records and reports. Those injuries include herniated cervical discs, cervical pain and radiculopathy, lumbar and mid-back pain and herniated discs.

10. Plaintiff, Reta Feldman continues to suffer pain and limitations in the above-affected areas. Said injury is of a permanent nature and continues to worsen.

11. Plaintiff, through her attorneys had attempted to negotiate an underinsured motorist settlement with the Defendant, and while defendant has engaged in negotiations the parties have failed reach an agreement.

12. Under the terms and provisions of the aforesaid policy, Plaintiff is entitled to assert a claim for benefits by way of jury trial.

13. Plaintiff hereby requests a jury trial under the terms and provisions of the law applicable and under the Geico policy in particular.

14. Defendant has failed to honor the terms and provisions of the contractual insurance relationship by not settling this claim in good faith and in an expeditious manner.

15. Defendant has violated the terms and provisions of the insurance policy entitling plaintiff to proceed to jury trial.

16. Defendant's actions, in failing to make a reasonable and appropriate settlement offer, is in violation of the Pennsylvania Motor Vehicle Financial Responsibility Act, Bad Faith and other Statutes of Pennsylvania law.

17. Defendant has violated provisions of the policy, including bad faith, by engaging in the following conduct:

- (a) Failing to negotiate the claim in good faith;
- (b) Failing to timely negotiate the claim;

- (c) Failing to undertake proper investigation;
- (d) Conducting itself as a third party claim rather than first party;
- (e) Violating policies, procedures and protocols of their own policy;
- (f) Violating other regulations, procedures, and protocols regarding negotiations for adjustments of claims.

18. If Plaintiff is successful in obtaining a jury verdict in excess of policy limits, Defendant will be responsible for the whole amount and said amount will not be subject to "molding" of verdict.

19. Additionally Plaintiff reserves the right to proceed against GEICO for Bad Faith Damages and Punitive Damages, and Damages under the Pennsylvania Consumer Protection Laws.

WHEREFORE, Plaintiff, Reta Feldman demands judgment in their favor and against the Defendant in a sum in excess of Fifty Thousand (\$50,000.00) Dollars.

BY:


GARY I. SPIVACK, ESQUIRE
Attorney for Plaintiff

Dated: March 16, 2018

VERIFICATION

The undersigned, having read the attached, verifies that the within Complaint is based on information furnished to counsel, which information has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of signers. Signer verifies that he/she has read the within Complaint and it is true and correct to the best of signers' knowledge, information and belief. To the extent that the contents of this pleading, noted above, are that of counsel, verifier has relied upon counsel in taking this verification.

This Verification is made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

Date: March 19, 2018



RETA FELDMAN